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10 Attorneys for Defendant America's Collectibles Network, Inc. d/b/a Jewelry T.V.

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12 **UNITED STATES DISTRICT COURT**  
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14

15 MARLIESE WEED on behalf of herself and  
 others similarly situated,

16 Plaintiff,

17 vs.

18 AMERICA'S COLLECTIBLES NETWORK,  
 19 INC. D/B/A JEWELRY T.V.,

20 Defendant.

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CASE NO. 08-CV-0925 WQH CAB

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**JOINT MOTION FOR CONTINUANCE  
 OF HEARING ON MOTION TO DISMISS  
 (Second Request)**

23 Judge: Hon. William Q. Hayes

24 Plaintiff Marliese Weed and Defendant America's Collectibles Network, Inc. d/b/a Jewelry  
 25 T.V. (together, "Parties") hereby jointly request that the hearing on Defendant's Partial Motion to  
 Dismiss Pursuant to F.R.C.P. 12(b)(6), currently set for August 18, 2008 at 11:00 in Courtroom 4  
 of the above entitled court, be continued to September 15, 2008, or as soon thereafter as set by the  
 Court.

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27 Good causes exists for said continuance. The Parties are continuing to work towards a  
 28 possible resolution of this matter. Both Parties agree that it is appropriate to continue the hearing

1 on Defendant's Partial Motion to Dismiss, and, accordingly the current briefing schedule as  
2 governed by Civil Local Rule 7.1.e, so that the Parties may focus their efforts on exploring  
3 settlement options. This is the Parties' second request for such a continuance.

4 Therefore, the Parties hereto jointly and respectfully request that this Court order a  
5 continuance of the hearing on Defendant's Partial Motion to Dismiss until September 15, 2008, or  
6 soon thereafter as set by the Court.

7  
8 DATED: July 30, 2008

WEXLER TORISEVA WALLACE LLP

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11 By: /s/ Mark Tamblyn  
12 Mark Tamblyn  
13 Attorneys for Plaintiff Marliese Weed, on behalf  
of herself and all others similarly situated

14 DATED: July 30, 2008

KIRBY NOONAN LANCE & HOGE LLP

15  
16  
17 By: /s/ David J. Noonan  
18 David J. Noonan  
19 Lauren E. Butz  
20 Attorneys for Defendant America's Collectibles  
21 Network, Inc. d/b/a Jewelry T.V.